

## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/640,754	08/18/00	KIM	I	SEC.747
_		٦		EXAMINER
1		MM91/0703		
JONES VOLEN	TILE LLC	RIVE	ART UNI	TNS, D PAPER NUMBER

JONES VOLENTILE LLC 12200 SUNRISE VALLEY DRIVE SUITE 150 RESTON VA 20191

2823 Date Mailed:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

	Application No.	Applicant(s)					
Office Action Summary	09/640,754	KIM ET AL.					
·	Examiner	Art Unit					
	D. M. Collins	2823					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet wi	th the correspondence add	dress				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.  after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute  - Any reply received by the Office later than three months after the mailin  earned patent term adjustment. See 37 CFR 1.704(b).  Status	136 (a). In no event, however, may a ly within the statutory minimum of thi will apply and will expire SIX (6) MOI	reply be timely filed  rty (30) days will be considered timel  THS from the mailing date of this c	y. ommunication.				
1) Responsive to communication(s) filed on 18.	August 2000 .						
2a) ☐ This action is <b>FINAL</b> . 2b) ☐ Tr	nis action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8)⊠ Claims <u>1-20</u> are subject to restriction and/or €	election requirement.						
Application Papers							
9) The specification is objected to by the Examine	er.						
10) The drawing(s) filed on is/are objected t	o by the Examiner.						
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. § 119							
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C.	5 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).							
Attachment(s)							
15) Notice of References Cited (PTO-892)  18) Interview Summary (PTO-413) Paper No(s).							
16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	19) Notice of	Informal Patent Application (PT					
	20) Other:	•					

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## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1 to 15, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 618.
  - II. Claims 16 to 20, drawn to a semiconductor device, classified in class 257, subclass 734+.
- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process. For example, the fabrication of a contact hole in a semiconductor device could be formed first on top of a semiconductor substrate using a mask.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Deven M. Collins whose telephone number is (703) 305-7840. The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy, can be reached on (703) 308-4918. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

**DMC** 

June 20, 2001

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